IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 242 of 1990
With
Civil Application No.1657 of 1990
With
Civil Application No. 13387 of 1999
With
Misc. Civil Application No. 273 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

Patel Vithalbhai Bechardas
Versus
Patel Satishkumar Chunibhai & Anrs.

Appearance:
MR.S.R. SHAH for Appellant

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 23/07/2001

ORAL JUDGEMENT

1. Heard learned Advocate Shri S.R. Shah for the appellant. None present for the respondents.

2. With reference to the report of concerned District Judge dated 20th July, 2001, the Trial Judge is directed to dispose of Regular Civil Suit No. 140 of 1989 within six months from the date of receipt of writ of this court and with this order the Appeal From Order stands disposed of with no order as to cost.

3. In view of the above order, Civil Application No. 1657 of 1990 also stands disposed of. Rule is discharged. No costs. In the meanwhile i.e. till the final disposal of the suit, the interim order passed by this Court in above said Civil Application shall be operative. In the above said Civil Application, the interim relief as per Para 3(a) of the application was granted which is as under :-

" Your Lordships be pleased to restrain the defendant No.1 from transferring and or alienating the suit property in any manner whatsoever in favour of any other person pending hearing and final disposal of the accompanying appeal from order. "

4. This also disposes of Misc. Civil Application No. 273 of 2001, which is filed for the breach of the interim order passed by this Court and which was confirmed. The appellant will be at liberty to move the Trial Court for such breach of injunction and the Trial Court shall decide the issue according to law.

5. This also disposes of Civil Application No. 13387 of 1999 which is filed for bringing the heirs of deceased respondents No. 1, 3 and 4 in Appeal From Order No. 242 of 1990. Rule is discharged with no order as to costs.

(J.R. Vora, J.)

p.n.nair